

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MATTHEW STEPANSKI

Plaintiff,

v.

SUN MICROSYSTEMS, INC., et al.

Defendants.

Civil Action No. 10-2700 (PGS)

ORDER

This matter is before the Court by way of a motion to compel discovery pursuant to the Court's May 24, 2011 Scheduling Order and Fed. R. Civ. P. 37 brought by Plaintiff, Matthew Stepanski. That order was the subject of a Report and Recommendation dated December 9, 2011 in which Magistrate Judge Arpert recommends granting plaintiff's motion to compel discovery and confirming that the *de novo* standard of review applies to the decision. The Court has considered the written submissions of counsel as well as the June 6 and June 7, 2012 letters from the law firm McElroy, Deutsch, Mulvaney & Carpenter, LLP, and the June 14, 2012 letter from the law firm of Dillon, Bitar & Luther, LLC.

The Court finds the Report and Recommendation to be an excellent analysis; and adopts same as the reasoning of the Court. The Court had concerns about the deposition of opposing counsel as it is a non-favored discovery technique. Although it is being allowed, it is recommended that objections as to deposition questions, especially those concerning lawyer/client privilege, be subject to immediate Magistrate Judge review.

IT IS on this 10th day of September, 2012;

ORDERED that plaintiff's motion to compel discovery (ECF No. 41) is hereby granted; and
it is further

ORDERED that the Report and Recommendation of Magistrate Judge Douglas E. Arpert
(ECF No. 50) is hereby adopted as the opinion of the Court.

s/Peter G. Sheridan
PETER G. SHERIDAN, U.S.D.J.